

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ROY TANAY

v.

ENCORE HEALTHCARE, LCC ET AL.

CIVIL ACTION

NO. 10-792

SURRICK, J.

AUGUST 26, 2011

ORDER

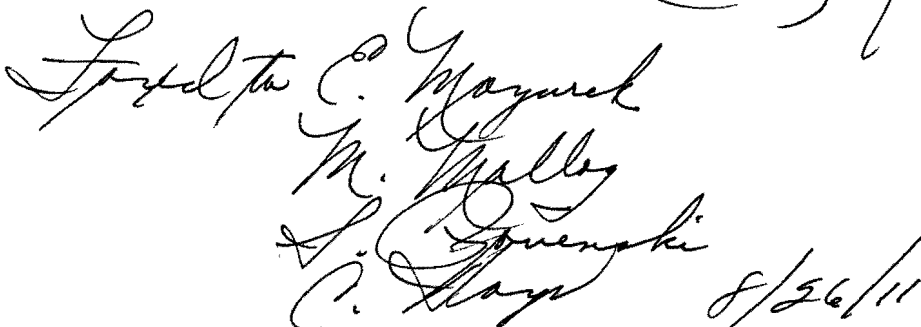
AND NOW, this 26th day of August, 2011, upon consideration of Defendants' Amended Motion to Dismiss Plaintiff's Amended Complaint (ECF No. 6), and all documents submitted in support thereof and in opposition thereto, it is **ORDERED** as follows:

1. Defendants' Amended Motion to Dismiss Plaintiff's Amended Complaint as to Count I of the Amended Complaint is **DENIED**.
2. Defendants' Amended Motion to Dismiss Plaintiff's Amended Complaint as to Count II of the Amended Complaint is **GRANTED**.
3. Defendants' Amended Motion to Dismiss Plaintiff's Amended Complaint as to Count III of the Amended Complaint is **DENIED**.

IT IS SO ORDERED.

BY THE COURT:


R. BARCLAY SURRICK, J.


Lloyd to C. Maynard
M. Malley
S. Gwenski
C. May
8/26/11